



Arizona State Senate *Issue Brief*

September 21, 2006

Note to Reader:

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EMANCIPATION OF MINORS IN ARIZONA

INTRODUCTION

Emancipation is a legal process through which a state may grant to a minor certain adult rights and responsibilities before the minor reaches the age of majority, at which time the minor would normally be considered an adult. With the enactment of Laws 2005, Chapter 137, Arizona became the 30th state with procedures in statute to emancipate a minor. Previously, emancipation in Arizona was limited to a person under the age of 18 who was getting married or enlisting in the armed forces of the United States, with the written consent of the person's parent or guardian.

ARIZONA'S EMANCIPATION PROCESS

A minor may petition the court for emancipation if the minor is: 1) at least 16 years of age; 2) is an Arizona resident; 3) demonstrates financial self-sufficiency; and 4) is not a ward of the court. Additionally, the minor must provide documentation of living independent of a parent or guardian for at least three consecutive months and either written parental consent to emancipation or a statement explaining why the minor believes that the home of the parent or guardian is unsafe.

If the parent or guardian objects to the emancipation, the parties are referred to mediation or conflict resolution unless it is not in the best interest of the minor. The judicial officer must base the emancipation decision on the best interest of the minor, considering: 1) potential risks and consequences; 2) the wishes of the minor; 3) opinions and recommendations of the minor's parent or guardian; 4) financial resources of the minor and ability to be financially self-sufficient; and 5) the employment, education and criminal history of the minor. The minor has the burden to prove, by clear and convincing evidence, that emancipation is in his or her best interests.

When a court grants emancipation to a minor, the emancipated minor is entitled to: 1) enter into a contract; 2) sue and be sued; 3) buy and sell real property; 4) establish legal residence; 5) pay child support; 6) incur debts; 7) apply for social services; 8) obtain a job-related license; 9) apply for school; 10) apply for loans; 11) access

medical treatment and records; and 12) consent to medical treatment.

Emancipation ends the parent's or guardian's obligation to financially or medically support the emancipated minor and tort liability. It also terminates the parent's or guardian's right to any income or support from the emancipated minor.

Emancipation orders from other jurisdictions in the United States are recognized in Arizona if the minor is at least 16 years of age.

ADDITIONAL RESOURCES

- Emancipation of Minors statutes: Arizona Revised Statutes, Title 12, Chapter 15